IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 23RD MARCH 2007 / 2ND CHAITHRA 1929

Crl.MC.No. 642 of 2007()

AGAINST THE ORDER DATED 24/11/2005 IN INCMP 734/2005 IN CMP.1148/2005 of SESSIONS COURT, MANJERI
C.M.C.NO.392/04 OF THE SESSIONS COURT, MANJERI IN CRIME NO.217/04 OF EDAKKARA POLICE STATION.

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PETITIONER: PETITIONER/2ND ACCUSED

ABDUL SALAM, S/O MOHAMMED,
ALUNGA KANDIYIL HOUSE,PUKAYUR, THIRURANGADI.

BY ADV. SRI.P.SAMSUDIN

RESPONDENTS: RESPONDENT/COMPLAINANT

THE STATE OF KERALA REPRESENTED BY THE
CIRCLE INSPECTOR OF POLICE, NILAMBUR,
THROUGH THE PUBLIC PROSECUTOR, HIGH COURT OF
KERALA ERNAKULAM.

BY P.P. SRI. GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 23/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 642 OF 2007

Dated this the 23rd day of March, 2007

ORDER

The petitioner faces indictment in a prosecution, inter alia, under Sec.376 of the IPC. He was released on bail subject to conditions. Inter alia, he was directed to surrender his passport. The petitioner approached the learned Sessions Judge to modify the said condition and release the passport to him. He now wants to go abroad in search of a job. Without passport, he is unable to go abroad and secure the job. The learned Sessions Judge has directed release of the passport subject to conditions. Inter alia, it was directed that the petitioner must deposit an amount of Rs.25,000/-. The petitioner is aggrieved by the said condition. He shall comply with the other conditions. But the insistence on deposit of Rs.25,000/- would virtually deny him the opportunity to go abroad and secure employment. In these circumstances, he has come to this Court with a prayer that

the said condition – deposit of Rs.25,000/- as cash security, may be dispensed with.

2. The learned Public Prosecutor opposes the application. But notwithstanding the opposition, I am satisfied that the said condition can be deleted subject to appropriate safeguards. Already, the learned Sessions Judge has directed that a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties must be executed as condition for release of the passport. It can further be directed that the petitioner must furnish to the Investigating Officer the address of his place of residence abroad and must also furnish to the Investigating Officer the name of the person in India on whom the summons addressed to him can be served to secure his presence. In the bond to be executed by the petitioner, he shall further undertake that he shall appear before the court concerned within 60 days of the date on which such notice demanding his presence is served on the specified person.

3. This Crl.M.C. is, accordingly allowed in part to the extent indicated above.

Sd/-

(R. BASANT, JUDGE)

Nan/ //true copy// P.S. To Judge